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Attorney for Plaintiff Worrells

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

|                        |   |                           |
|------------------------|---|---------------------------|
| WESLEY WORRELLS,       | ) |                           |
|                        | ) |                           |
| Plaintiff,             | ) |                           |
|                        | ) |                           |
| vs.                    | ) | Case No. F05-0025CV (RRB) |
|                        | ) |                           |
| SAM'S WEST, INC.,      | ) |                           |
| d/b/a SAM'S CLUB #6603 | ) |                           |
|                        | ) |                           |
| Defendant.             | ) |                           |
| _____                  | ) |                           |

SECOND AMENDED COMPLAINT

Plaintiff Wesley Worrells, through counsel, alleges as follows:

1. The Court has jurisdiction over this claim for overtime compensation under 28 USC § 1331 and 29 USC § 216(b).
2. Plaintiff Wesley Worrells has been a resident of the Fairbanks North Star Borough at all times relevant to this action.
3. Defendant Sam's West, Inc. is a foreign corporation that has been operating a warehouse store in the Fairbanks North Star Borough at all times relevant to this action.



4. Defendant Sam's West, Inc. regularly employed more than four (4) full-time employees at all times relevant to this action.

5. Defendant Sam's West, Inc. is an employer subject to the federal Fair Labor Standards Act.

6. Defendant Sam's West, Inc. employed Plaintiff Worrells from about 1992 through the present.

7. From November 3, 2002, through November 3, 2005, Sam's West, Inc. employed Plaintiff Worrells to work more than eight (8) hours per day and more than forty (40) hours per work week.

8. Defendant Sam's West, Inc. failed to pay Plaintiff Worrells overtime compensation for hours worked from November 3, 2002, through November 3, 2005.

9. Defendant Sam's West, Inc.'s willful conduct from November 3, 2002, through August 22, 2004, violates 29 USC § 207.

10. Defendant Sam's West, Inc.'s conduct from November 3, 2003, through November 3, 2005, violates AS 23.10.110.

WHEREFORE, Plaintiff Worrells requests that the Court:

1. Enter judgment against Defendant Sam's West, Inc. for unpaid overtime compensation, and an equal amount in liquidated damages, under AS 23.10.110(a) and 29 USC § 216(b);

2. Award Plaintiff Worrells reasonable attorney fees, under AS 23.10.110(e) and 29 USC § 216(b); and



3. Grant such other relief as the Court considers just and equitable.

Dated this 28<sup>th</sup> day of February, 2006, at Fairbanks, Alaska.

WINFREE LAW OFFICE

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For Plaintiff Worrells

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 28, 2006, a copy of foregoing Second Amended Complaint was served electronically on:

William A. Earnhart  
Lane Powell PC  
301 W. Northern Lights Blvd., 301  
Anchorage, Alaska 99503-2648

/s/ William B. Schendel  
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